

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON WEDNESDAY, NOVEMBER 3, 2004.

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m. and asked that a moment of silence be observed.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the Board and members of the audience in the Pledge of Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Frank Bossio, County Administrator, asked that the following changes be made in the agenda:

Under **CONSENT AGENDA**, add letter b. The Board will consider approving the Solid Waste Management Plan;

Under **GENERAL COUNTY BUSINESS**, delete item 8. **RE: BOARD OF SUPERVISORS' VISION**; and

Under **ADMINISTRATOR'S REPORT**, add item 4. Tour of GW Carver Center for Applied Learning.

Mr. Bossio reviewed supporting documentation for items already on the agenda.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the October 5, 2004 regular meetings and October 20, 2004 special called meeting were presented for the Board's consideration.

Mr. Walker moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

a. The Board will consider approving acceptance of a grant for the Sheriff's Office from the COPS 2004 Technology Program in the amount of \$123,685.00. It is a 50/50 grant between the County and the Town, and the County will receive \$61,842.50 to purchase equipment to be used in the Courthouse, including live scan equipment and an X-ray machine; laptops to be used by CID and DVD video equipment for patrol cars. No local match required.

b. **(Addition)** The Board will consider approving the Solid Waste Management Plan.

Mr. Chase questioned the 50/50 split of the grant described in item a. Mr. Bossio explained that the proceeds would be divided equally between the Town and the County.

Mr. Nixon moved, seconded by Mr. Walker, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

RE: INTRODUCTION OF NEW EMPLOYEE

Sheriff H. Lee Hart introduced David R. Franklin, Director of Administrative Services, and provided information on his background and work experience. He also introduced the following deputies as recent additions to his staff: Owen Bullock, Scott Bzdak, Mark Tharp, Brad Sullivan, and Rusty Woodward.

Mr. Coates welcomed the new employees to the County staff and the community.

RE: UPDATE ON BOXWOOD SUBSTANCE ABUSE TREATMENT CENTER FACILITY REPLACEMENT PLAN

Mr. Brian Duncan, Executive Director, Rappahannock Rapidan Community Services Board (RRCBSB) provided background information on the Boxwood substance abuse

treatment program. He noted that the current facility, which the RRCSB has been operating since the mid-1980's, had assisted more than 5,800 individuals from 25 Virginia counties, including Culpeper, Fauquier, Madison, Orange, and Rappahannock. He said he was seeking the Board's approval of a resolution that would authorize the RRCSB to borrow up to \$3.2 million from the Rural Development Authority to acquire property and construct a similar facility at a new location. He stated that the RRCSB could not borrow money without the permission of the five local governments. He explained that the local governments would not incur any liability for this debt, and the debt would be serviced by fees paid by the agencies that referred individuals to Boxwood. He wanted the Board to be aware that the Boxwood budget received no local tax dollars, but was supported by the State General Fund and fees paid by the referring agencies.

Mr. Chase moved, seconded by Mrs. Hansohn, to endorse the borrowing resolution.

Mr. Coates informed Mr. Duncan that Culpeper County may have a need for a portion of the current Boxwood property for a proposed interchange on Route 29, and he would hope that the RRCSB would work with the Planning Director and VDOT on this matter. He asked the County Attorney whether the borrowing resolution would affect the County's interest in a portion of this property.

Mr. Maddox, County Attorney, replied that he had not researched the issue, but in his opinion, the resolution should not affect the County's interest.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: UPDATE ON CAREER PARTNERS

Mr. Michael Stay, Career Partners Program Director, informed the Board that it had been approximately three years since he had provided a comprehensive update on Career Partners. He discussed the program's vision to build a world-class educational model that would enable all students to make informed career choices and to become better prepared to pursue those choices, while benefitting local businesses by providing a more capable workforce. He pointed out that Career Partners provided the organizational structure, the relevant and applied learning programs, and the network of community partners that helped to expose the students to a unique learning experience. He explained that the program began in the 9th grade with some exposure and became more integrated and progressive through the succeeding grades until graduation. He stated that the program and initiatives

began with surveys and assessments so that students had an opportunity to determine their interests, skills' aptitude and performance, and they received exposure through career shadowing, career exploration and the cornerstone program, the Career Academy. Students in the Career Academy have the opportunity to earn up to 10 college credits while still in high school.

Mr. Stay provided information on the 47 partners, consisting primarily of businesses, educational providers, nonprofit organizations and government agencies, who assisted either financially or by serving on various committees or boards. He also provided information on the current budget which included \$150,000 cash expenses; an additional \$95,000 of in-kind expenses (\$32,000 from the Chamber of Commerce, \$13,500 from Virginia Community Bank, and \$50,000 from the Culpeper County School District); and revenues in the amount of \$20,000 from Culpeper County, \$30,000 from the Town IDA grant, \$10,000 in business contributions, and \$140,000 from various grants and foundations. In addition, \$200,000 of in-kind contributions were provided by the partners' time and facilities.

Mr. Stay noted that Chairman Coates and Mr. Bossio served on the Career Partners Board, and Mrs. Hansohn and Mr. Lee had served in the past. He recognized Chuck Gyory, Chairman of the Board; Norma Dunwody, CEO; and members of the Board: Ted Gore, Michael Armm, Carl Sachs, and Dr. David Cox.

Mr. Stay informed the Board that Career Partners was unique in that the program embodied: (1) Collaborative partnerships involving the entire community; (2) business-driven and business-led; (3) progressive and integrated programs for 9th through 12th grade; and (4) active participation of the business community.

Mr. Stay discussed three milestones to indicate the Career Partners was moving to achieve its vision:

1. Governor Warner visited the high school in June to learn more about Career Partners and subsequently asked his staff to use the Culpeper program as a model for similar programs in schools throughout the State.
2. Dr. John Porter, currently Superintendent in a New Jersey School District and formerly a consultant with the National Center for Education and Economy, with a long history of understanding national education and national workplace issues, placed Culpeper Career Partners in the top eight in the nation.

3. Culpeper did not win in a competition sponsored by the National Council for Corporate and School Partnerships last year, but placed in the top 25 out of 350 applicants.

Mr. Stay stated that Career Partners met five of the six elements of Governor Warner's "Education for a Lifetime Initiative": (1) A renewed commitment to accountability, being accomplished by curriculum integration through team teaching, applied field trips, internships and apprenticeships, mentor programs, and senior projects; (2) senior year reform which included earning up to 10 college credits, leadership development, business mentors, senior projects, and senior portfolios; (3) teacher recruitment and retention, (4) increased economic development and (5) improved workforce development.

Mr. Stay indicated that future goals were to expand offerings for 9th grade students; increase Career Academy enrollment to 450 students by fall 2008 in three to four academies; connect with the new Technology Center; expand teacher development programs; add four-year universities to the partnership; and provide more offerings for the entire high school by securing physical space in the new high school for the Online Career Resource Center.

Mrs. Hansohn asked how many students graduated last year and how many of those had jobs in Culpeper. Mr. Stay replied that there were 26 in last year's Career Academy graduating class, but none of those students had gone to work in the Culpeper workforce through an internship or apprenticeship. He noted that when the graduates were in the 10th grade, 55 percent indicated they did not plan to go to college, but there were 90 percent in college at the present time.

Mrs. Hansohn pointed out that when the program began seven years ago, the focus was on the students who did not plan to go to college and to provide opportunities for those students in local businesses. She asked whether consideration was being given to offering students an internship or apprenticeship so they could opt out at the end of their junior year and work full time while participating in the program. Mr. Stay stated that was a good idea. He anticipated that some business partners would be providing some internships during the school year instead of just during the summer.

Mr. Chase and Mr. Stay discussed the summer internship program and the various work sites, which included both the Town and County governments.

Mr. Walker pointed out the importance of providing 9th grade students with exposure to the Career Partners program to assist them in making career path decisions. He said that he was pleased that the program was pursuing space in the new high school and

hoped that the School was also pleased. Mr. Stay assured him that the School District, the government and business community were actively involved in the program.

Mrs. Hansohn suggested that Mr. Stay tell the TV viewers how they could obtain additional information about Career Partners. Mr. Stay said those interested could contact Mrs. Lutz, the High School Career Academy Coordinator, at 825-8310, contact him on the Career Partners website: www.cpi-va.com or call him at 727-7792.

RE: FINANCING FOR COMMUNITY COMPLEX AND OTHER CAPITAL PROJECTS

Mr. Bossio informed the Board that David Rose, Davenport and Company, would discuss the responses received from the RFP to finance the Community Complex, EOC and Radio System. He said the Board would be asked to consider (a) a resolution for the issuance of the balance of the General Obligation Bond financing for the Community Complex in the amount of \$1,500,000.00; and (b) a resolution for the issuance of debt in the form of lease revenue bonds via the Industrial Development Authority (IDA) for the Emergency Operations Center (EOC) and the radio system for a maximum of \$8,400,000.00 to fund these capital projects.

Mr. Rose recalled that the Board granted permission for Davenport and Company to solicit information from all of the area's banking institutions on financing both the \$1.5 million for the sports project and approximately \$8.4 million for the emergency facility. He said that responses were received from BB&T, Sun Trust, Wachovia and Patriot Bank, but Patriot Bank had an interest only in the General Obligation issue and not the lease revenue bonds.

Mr. Rose recommended that the Board finance the General Obligation issue with Sun Trust at a fixed rate of 3.74 percent for 15 years and, at the end of 15 years, reset the rate at whatever the five-year rate was at that time, with no additional charge. Closing costs would be \$1,000, and the County would have the ability to repay for a slight prepayment penalty. He noted that Patriot Bank was willing to offer a 20-year lock-in at 4.12 percent.

Mr. Rose recommended that the Board also use Sun Trust for the lease revenue bonds. Both Sun Trust and Wachovia were willing to amortize a loan for 20 years, but Sun Trust's rates were basically a half percent or 50 basis points below Wachovia. Both banks required an interest rate reset. He noted that the Sun Trust interest rate was 3.57 percent for the first ten years, and the loan could be prepaid with a small penalty after the seventh year. Closing costs would be \$1,000.

Mr. Rose said the next steps would be: (1) To obtain the Board's approval of two resolutions, one for each type of financing; (2) to have the Board ask the IDA to meet either the week of November 8 or November 15, to execute the legal documents for the lease revenue bonds since the IDA would be the issuer of the bonds, with no liability; and (3) to schedule closing the week of November 25. He said that Sun Trust was comfortable holding these rates through that closing date.

Mr. Bossio stated the both the Town Manager and the Town's Finance Committee had signed off on the Town's use of the IDA.

Mr. Rose stated that it would be preferable to have individual votes versus voice vote.

Mr. Lee moved, seconded by Mr. Walker, to approve the resolution for the issuance of the General Obligation Bond financing for the Community Complex in the amount of \$1.5 million.

Mr. Coates called for a show of hands.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon moved, seconded by Mr. Lee, to approve the resolution for the issuance of debt in the form of lease revenue bonds for the Emergency Operations Center and radio system for a maximum of \$8.4 million.

Mr. Coates called for a show of hands.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 11:06 a.m.

Mr. Coates called the meeting back to order at 11:24 a.m.

RE: CONSIDERATION OF REQUEST FROM CULPEPER RECREATION FOUNDATION, INC.

Mr. Charles Barrell, Chairman of the Culpeper Recreation Foundation, informed the Board that his letter was meant as a recommendation, rather than a request, to hire a lobbying firm to obtain Federal funds for the Community Complex. He explained that the Foundation had been approached by Gary Fay, owner of the local Ford dealership, who suggested that Federal funds be sought for the recreation complex. He said that over a year ago, his brother, Kevin Fay, President of Alcalde & Fay, had approached the Foundation regarding the same matter. Alcalde & Fay is one of the top lobbying firms in the

country and specializes in lobbying the Federal Government. He said he talked with Mr. Fay at that time and explained that Congressman Cantor's office had been contacted regarding the matter and the Foundation was confident the Congressman would assist in any way that he could, but the Foundation had received no Federal money or grants.

Mr. Barrell said that recently Mr. Fay contacted him again, renewed his suggestion, and he and Mr. Bossio agreed to meet with Kevin Fay and listen to his presentation. Mr. Fay expressed his opinion that with the amount of money the County of Culpeper had already spent on the recreation complex and the additional commitment, an effort should be made to be included in some Federal appropriation bill. He noted that such an effort had a price tag of \$5,000 a month, and an 18-month commitment was suggested since there was a planning process required for Federal appropriations. He said that the Foundation had considered the suggestion and felt that spending \$90,000 to acquire Federal funds in the \$800,000 to \$1 million range might be worth while.

Mr. Barrell provided information on the progress of the various sports fields and indicated there would be adequate space for the immediate future, but more land would be needed at a later date.

Mr. Chase indicated his strong objection to using any lobbyists for this purpose. He pointed out that the County shared a grant writer with the Human Services Department and that employee should be used to obtain grant monies.

Mr. Bossio stated that Mr. Barrell had adequately summarized the sequence of events. He agreed that in-house staff could be used to research the availability of grants and the question was whether there would be any strategic advantage to having an outside organization pursue possible grants. He pointed out that an RFP would have to be issued if the Board decided to go with an outside firm, and applicants' references would have to be checked. He stated that staff had not taken a position on the matter, and he wanted to obtain the Board's input.

Mr. Chase asked whether the staff writer on board had been utilized. Mr. Bossio stated that she had not been, but could be used, but a lobbyist would be able to take the grant through the Federal process and obtain Congressional support.

Mr. Maddox stated that he had practiced law for 15 years in Washington, D. C., and he had represented and worked with many lobbyists. He pointed out that individuals could do extensive research on grants, but all of the research in the world would not take the

place of having someone pick up the phone and talk to the appropriate Chairman of a particular Committee. He said the right lobbyist would be worth the money.

Mrs. Hansohn expressed her concern regarding the use of lobbyists for obtaining funds for a recreational facility. She stated that if the community wanted to support the sports fields, it would do so. She said there were grants available from private individuals and organizations and should be sought, but she would not support using a lobbyist for this purpose.

Mr. Walker pointed out that it might be interesting to issue an RFP and see what types of firms or groups responded. He said he understood Mr. Chase's and Mrs. Hansohn's sentiments, but there were Federal monies available and would not cease just because the County did not ask for them.

Mr. Nixon stated that he felt it was premature to make a recommendation at this point and suggested the matter be referred to staff for further research.

Mr. Lee asked whether the item should be referred to an appropriate committee.

Mr. Chase reiterated that the County did not need a lobbyist when there was a grant writer on County staff, and he proposed using Congressman Cantor.

Mrs. Hansohn stated she was not opposed to seeking Federal funds, such as the ISTEA grants, but she would be opposed to attaching the request on to an appropriation bill.

Mr. Lee moved, seconded by Mr. Nixon, to refer the Foundation's recommendation to the Buildings and Grounds Committee and allow staff to research the issue further.

Mr. Rosenberger stated that it might be appropriate to investigate whether someone might wish to pursue Federal grants on a percentage basis, and if funds were obtained, they would receive a certain percentage, and if there were not, they would receive nothing.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

~~RE: BOARD OF SUPERVISORS' VISION (DELETED)~~

~~The Board will discuss the Board of Supervisors' draft vision.~~

RE: SCHOOL OVERSIGHT COMMITTEE CONSIDERATIONS

Joseph R. Daniel, School Oversight Committee (SOC) Chairman, recognized Mr. Walker, Mrs. Hansohn, and Mr. Bossio who served on the SOC, as well as Michael Armm, Larry Aylor, David Cox, and Sanford Reaves, who was Vice Chairman. He said that Mr.

Reaves would read a resolution adopted unanimously by the SOC at its October 28 meeting, after which he would discuss a School Work Plan for the SOC for the next six to nine months.

Mr. Reaves related his experiences in the School System and expressed the need for adequate educational and athletic facilities for the students. He read the following resolution into the record:

Resolution of the School Oversight Committee

WHEREAS, the quality of public education is of prime importance to the welfare of the citizens of Culpeper County, and

WHEREAS, Culpeper County is experiencing increased community-wide growth, and

WHEREAS, this increased growth has impacted the public educational system of Culpeper County, and

WHEREAS, the total population and school age population of Culpeper County is projected to increase for the foreseeable future as existing residentially zoned property is developed, and

WHEREAS, the School Board and the Culpeper County Board of Supervisors have committed to solving overcrowding at Culpeper County's sole high school, and

WHEREAS, both Boards have approved the Community Complex at "Green's Corner" as a new high school location, and

WHEREAS, both Boards have jointly hired the firm of SHW Architects to design a new 1500 student high school, and

WHEREAS, the Board of Supervisors provided assurances that no delay in the planning and design of the NEW HIGH SCHOOL would occur while SHW Architects studied programs independent of the design of the new 1500 student high school, and

WHEREAS, the Committee wishes to fulfill the needs of educating all school age children in Culpeper County while recognizing the financial impact of a school building program on the taxpayers of Culpeper County,

WHEREAS, based on Culpeper County School Board's existing data on the capacity of its facilities, it appears that additional capacity will exist in the Culpeper County Middle School after the NEW HIGH SCHOOL is constructed and the high school students are relocated out of that facility,

NOW, THEREFORE BE IT RESOLVED, that the School Oversight Committee recommends and requests that SHW complete the design, according to the contract approved by the Board of Supervisors and the School Board, of the new 1500 student high school, to be located at the Community Complex at "Green's Corner," and further be it

RESOLVED, that the design of the NEW HIGH SCHOOL be prepared in a manner that could allow for a phased development of up to a 1500 student facility should that be determined as the most prudent course of action at the time of bidding the project, and further be it

RESOLVED, that the School Board immediately undertake a detailed study of the best way to utilize all existing facilities, maximizing the use of all classroom space, while maintaining the integrity of the educational program and provide the results of such study to the citizens of Culpeper County, and further be it

RESOLVED, that the School Oversight Committee commit to a thorough review of Culpeper County public school enrollment projections and a careful analysis of the School Board's facilities study referenced herein, preparing to make a recommendation to the School Board and Board of Supervisors as to the best approach to fulfilling the long-term educational needs of the community relative to the construction of the NEW HIGH SCHOOL and use of existing facilities.

This Resolution is made as of this 28th day of October 2004, by the Culpeper County School Oversight Committee.

Joseph R. Daniel
Chairman

Mr. Daniel stated that both the SOC and School Board had adopted this resolution unanimously on October 28. He said in addition to the resolution, the SOC had developed a work plan designed to move the decision process in line with the schedule set forth in the SHW architectural contract:

August 1, 2005	- Deliver final contract documents
August 15, 2005	- Approve final documents
August 16, 2005	- Advertise for bids
September 15, 2005	- Receive bids
October 1, 2005	- Start construction

Mr. Daniel noted that SHW would provide a progress update at every SOC meeting, and the SOC would be the central information point for reports from the architects for both the Board of Supervisors and the School Board. The purpose of the work plan is to create adequate information that would be the basis for a logical and practical decision relative to the construction of the new high school and the utilization of all County school facilities, as well as to meet the educational needs of the students. He said the SOC would begin in December to review enrollment data and develop a consensus relative to the high school (9-12) student population (2005-2015) reconciling projections from the School Board, the Board of Supervisors and the School Oversight Committee; in January, to review enrollment data and develop a consensus relative to the middle school (6-8) student population (2005-2015) reconciling projections from the School Board, the Board of Supervisors and the School Oversight Committee; in February, to review enrollment data and develop a consensus relative to the projected elementary school (K-5th) student population (2005-2015) reconciling projections from the School Board, the Board of Supervisors and the School Oversight Committee; in March, to receive a report from the Culpeper County Superintendent describing the program options associated with the 1200/1500 student high school construction options; in April, to receive and review the School Board Facility Utilization Study (referenced in the resolution); and in May, to receive and review the Financial Trends and Debt Capacity Analysis Update from the Board of Supervisors. He

noted that if the timing of the work plan was not in sync with what the Board of Supervisors needed to do, the work plan could be adjusted to meet the Board's needs.

Mr. Daniel pointed out that no schedule had been set for June, July and August, but the SOC would use that time to fill in any blanks it encountered, as well as to develop additional information which will help the Board of Supervisors and the School Board to make the best possible decision for the students and the community of Culpeper County. He noted that the architect was to have the final contract documents in August, and the School Board was scheduled to approve them at that time. The SOC will make a recommendation to the School Board and the Board of Supervisors sometime during this period on the best way and most practical way to proceed. He said he would appreciate receiving any comments or suggestions from the members of the Board either by E-mail or by letter.

Mr. Daniel stated that the SOC and School Board had endorsed the resolution, and he asked for the Board's endorsement as well.

Mr. Nixon thanked Mr. Daniel and the SOC for their work and asked whether capacity issues would be reviewed in December when enrollment data and census data were examined. Mr. Daniel assured him that capacity data would be included in the School Board Facility Utilization Study.

Mr. Nixon stated that a report was anticipated in March from the Superintendent of Schools describing the program options associated with the 1200/1500 construction options and asked whether the three options presented earlier to SHW by the Board would be included. Mr. Daniel stated that he did not know what the three options were. Mr. Nixon replied that the options were (1) a 1000-student school, (2) a 2400-student school, and (3) two independent schools on the same campus of 1200 students each. Mr. Daniel stated that if the Board would send him an E-mail or letter to that effect, he would ensure that the options were thoroughly evaluated.

Mr. Walker pointed out that paragraph eight of the resolution was very important to the Board of Supervisors which stated that the SHW Architects had studied programs independent of the design of the new 1500 student high school. He said he felt this would allow the Board to independently look at other options not originally considered. Mr. Daniel agreed that the Board of Supervisors had the authority and the responsibility to investigate any information that it needed in order to make a decision.

Mr. Walker stated the paragraph nine was critical and he appreciated that it had

been included, i.e., "Whereas, the Committee wishes to fulfill the needs of educating all school age children in Culpeper County while recognizing the financial impact of a school building program on the taxpayers of Culpeper County." He noted that the request for a meals tax had been defeated in the November 2 election and that would have a major impact on real estate taxes in the future.

Mrs. Hansohn stated she was pleased that the work plan included the review of the elementary schools as well.

Mr. Nixon said that he applauded Mr. Daniel for his efforts in developing a plan both from the programmatic and systematic points of view that would serve the long-term needs of the School System.

Mrs. Hansohn moved, seconded by Mr. Nixon, to endorse the resolution of the School Oversight Committee.

Mr. Coates informed Mr. Daniel that he had been a real ambassador and thanked him for his and the SOC's efforts.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Daniel thanked the Board and emphasized that paragraph five was the most important part of the resolution in which stated that both the School Board and Board of Supervisors have committed to solving overcrowding at Culpeper County's sole high school.

RE: CONSIDERATION OF 2ND AMENDMENT TO SHW GROUP, INC. CONTRACT

Mr. Bossio informed the Board that the second amendment to the SHW Group Contract was prepared at the request of the Board to include the three options Mr. Nixon mentioned earlier. He said a meeting was held with SHW, at which Dr. Cox and staff, members of the School Board, and County staff discussed the three options. He stated that the three options still needed to be looked at and he asked whether the Board had any comments to make on the spirit and intent of amendment before them.

Mr. Walker questioned whether the architect had studied the middle school. Mr. Bossio replied that he did not know the answer, but he knew that the architect was aware a review of the middle school was included.

Mr. Walker pointed out that the spirit and intent were actually imbedded in the resolution just passed, particularly in terms of looking at the best way to balance the

utilization of the County's available financial assets, the existing space, and the educational programming for the students.

Mr. Nixon agreed that when the Board decided to look at these three options, the intent very specifically was to come up with an option that the taxpayer could afford, while solving the problem both short-term and long-term. He said it was important for the taxpayers to realize the financial implications these plans would have on them. He noted that Option A would cost approximately \$84 million, which would mean the tax rate would be approximately \$1.29 to carry that debt and to cover the operational costs of the new high school based on today's values, or an increase of \$105 for a \$250,000 house. He pointed out that would give the County one of the largest, if not the highest, tax rates in the Commonwealth of Virginia and consideration should be given to the long-term impacts, such as the impact on encouraging commercial and industrial development in the County. He said that everyone on the Board was cognizant that there was a problem and a solution would have to be found for that problem and that was why the Board was trying to look at every possible option to solve that problem. He said in the meantime, the architects would continue to move forward with the design of a 1500-student high school.

Mrs. Hansohn stated she wanted to remind the public that the new school between the high school and middle school was moving forward and that would alleviate overcrowding for the short-term by accommodating approximately 400 students and freeing up some space in the existing high school.

Mr. Walker moved, seconded by Mr. Nixon, to move forward with the second amendment to the SHW Contract.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE/OCTOBER 12, 2004/8:00 A.M.

Mr. Lee reported that the Buildings and Grounds Committee met and there were no actions for the Board's consideration.

See Attachment #1 for details of meeting.

RULES COMMITTEE/OCTOBER 12, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met and had an extensive discussion regarding the criteria for cash and in-kind contributions, and the Committee was working to develop an ordinance for the Board's consideration. He stated the Committee was also working on Rules and Procedures for next year and would appreciate receiving input from the Board.

Mr. Walker stated that the item requiring action would be presented by Carl Sachs, Economic Development Director.

Mr. Sachs asked for the Board's approval of a performance agreement that was a requirement of the Commonwealth of Virginia under the Governor's Opportunity Fund (GOF). He explained that it was an agreement between the County and Merillat that would allow them to receive funds under the GOF grant and guarantee that the employment and investment in the application would be made. He pointed out if Merillat did not achieve at least 90 percent of 140 new jobs to be created and 90 percent of the capital investment of more than \$12 million, the performance agreement provided for repayment based on the prorated shortfall. He noted that the IDA would act as the pass-through agency in delivering these funds directly to Merillat.

Mr. Maddox emphasized that the State required the money to go to the County and then to Merillat, so the funds would pass through the IDA and the Board's approval would also endorse the necessary contracts and paperwork with the Town IDA.

Mr. Walker asked whether additional language to the agreement would be required. Mr. Maddox stated that no additional language, but additional documentation between the County and the Town IDA would be necessary.

Mr. Walker moved, seconded by Mr. Nixon, to approve the performance agreement between the County and Merillat Corporation.

Mr. Nixon asked whether this agreement would obligate the County in any way. Mr. Sachs assured him that there would be no obligation on the County.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS/OCTOBER 21,2004/7:30 A.M.

Mr. Walker reported that the E-9-1-1 Board of Directors met and had one item recommending Board action.

Mr. Walker moved, seconded by Mrs. Hansohn, to have the Board of Supervisors send a letter and resolution to Verizon expressing their concerns and to copy the State Corporation Commission and Delegate Scott. He explained there had been a continuing problem with getting the telephone numbers properly placed in the phone book, and this action was to ensure that the telephone numbers would be correct by applying some pressure.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #3 for details of meeting.

PUBLIC SAFETY COMMITTEE/ OCTOBER 21, 2004/8:30 A.M.

Mr. Lee reported that the Public Safety Committee met and had a lengthy discussion on the Emergency Operations Plan. He said the Plan would be discussed further at the Committee's November meeting and asked that Board members provide any comments they might have.

Mr. Lee stated that the Committee had one item requiring action and asked Mr. Bossio to present it to the Board.

Mr. Bossio informed the Board that the Public Safety Committee had discussed the dispute between the County and the State regarding charges at the Juvenile Center at Coffeewood. He explained that the State believed that the County had been erroneously undercharged for several years. He explained that the County felt it should continue to pay in the same manner until the dispute had been resolved. He stated that the effect on the County could be as much as \$311,000 of unprogrammed dollars if the County was required to pay as described in the letter from the Department of Juvenile Justice's Director of Administration. He said the Committee was asking the Board for permission to have staff continue to pay in the same manner until the matter had been resolved.

Mr. Lee moved, seconded by Mr. Walker, to continue paying the State for the use of the beds at the Juvenile Center in the same manner until resolution had been reached with the State.

Mr. Coates stated the State needed to review the existing agreement and live up to that agreement. Mr. Walker agreed.

Mr. Bossio noted that there was some word from Richmond that there were some new thoughts regarding the use of that facility in order to increase utilization and he hoped that could be used as leverage in bringing a resolution to this issue.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #4 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Sachs informed the Board that he had submitted a written report, which included the Annual Report of the Thomas Jefferson Partnership for Economic Development and a statement he prepared regarding the importance of economic development.

Mr. Walker stated that when he was on the Economic Development Advisory Committee (EDAC), the Committee went through a lengthy process to locate a regional partner for Culpeper to join. He said the EDAC considered creating its own economic regional plan, joining with Fredericksburg or Northern Virginia or others, but decided to join the Thomas Jefferson Partnership. He asked whether it was time for the EDAC to take a second look and review other possibilities.

Mr. Sachs replied that Committee had not considered other possibilities, but it certainly could do so. He said that Thomas Jefferson Partnership represented counties in and around the Charlottesville region, such as Orange, Madison, Louisa and Green, and he felt that the Culpeper County's identification with central Virginia and Charlottesville was important, particularly because of the University of Virginia. He stated that the EDAC could look at other economic development regions and see whether there would be a better fit elsewhere.

Mr. Walker stated that he believed that Culpeper had a growing relationship with Spotsylvania and Stafford Counties, and it might make sense to look at that region or to consider having two partnerships. Mr. Sachs agreed to follow up on that suggestion.

Mr. Coates stated that circumstances had changed since Culpeper entered into the current partnership, and he would appreciate having the staff continue to review the options. He commended Mr. Sachs for his involvement with the Thomas Jefferson Partnership and his service as Secretary. He stated he would like to review the total operating budget of the Thomas Jefferson Partnership and the source of their funds, and to know how much of those funds were actually coming back to Culpeper.

Mr. Lee stated it would be nice to have a information on what the partnership had done for Culpeper relative to economic development. He said when he was on the EDAC, there was consideration given to joining two partnerships simultaneously, but only one was chosen at that time. Mr. Sachs agreed to look at it from a comprehensive prospective.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to forward to the Board. He recognized Tanya Woodward, who was in the audience, and commended her for the wonderful job and hard work she did on the air show on October 9, which had been the largest to date and the most spectacular.

Mr. Bossio reminded the Board that when the 5,000-foot runway was opened, it was anticipated that the airport would draw more corporate traffic. He reported that the airport sold approximately \$10,000 worth of jet fuel in one day, more than all of last year.

ADMINISTRATOR'S REPORT

Mr. Bossio presented the following Administrator's report:

1. The Holiday Schedule declared by the Governor requires the Board's approval.
2. The Legislative Breakfast is scheduled for December 9. at Culpeper Country Club starting 7:15 a.m., sponsored by the Chamber of Commerce.
3. A reminder that the Legislative Program for 2005 was being developed and input from the Board on specific legislation was needed. A Legislative Committee meeting will be scheduled in the near future.
4. A tour of GW Carver Center for Applied Learning will be held following lunch.

Mr. Coates pointed out that the Board had agreed at the beginning of the year to honor the State holiday schedule. Mr. Bossio stated it was usually approved at this time of year.

Mr. Nixon moved, seconded by Mr. Chase, to approve the Governor's holiday schedule as presented by the County Administrator.

Mr. Lee asked whether the hours at the landfill would be affected. Mr. Bossio replied that the policy regarding landfill hours would not be changed.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated he had hoped that Dr. Cox would remain and discuss the exit interview policy. He said he had been asking for four years for an exit interview survey on

teachers, and he believed that Mr. Nixon had been asking for the same information. He said he noticed a survey in the *Culpeper Citizen* that were only seven teachers that left because of low pay. He added that it took an FOIA request in order to obtain this information.

Mr. Chase suggested that article be brought forward during the next budget cycle.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) A resignation from the Parks & Recreation Advisory Committee; (B) readvertising an appointment to the Parks & Recreation Advisory Committee; and (C) readvertising an appointment to the Agricultural Resource Advisory Committee.
2. Under *Virginia Code* §2.2-3711(A)(7) for consultation with legal counsel pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.
3. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with County Attorney and staff regarding negotiations concerning a specific public contract, the outcome of which negotiations could lead to probable litigation.
4. Under *Virginia Code* §2.2-3711(A)(10), to consider advertising for nominees for the Culpeper Colonel Award.
5. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7), to discuss with the County Attorney and staff acquisition of specific real property by the County where public discussion would adversely affect the bargaining and negotiating position of the County and probable litigation if such negotiations fail.

Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting at 12:35 p.m. for lunch and tour of George Washington Carver Center.

The Board entered into closed session at 3:30 p.m.

The Board returned to open session at 3:38 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the closed session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: RESIGNATION FROM THE PARKS & RECREATION ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Nixon, to regretfully accept Barbara Clatterbaugh's resignation from the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: AUTHORIZATION TO ADVERTISE

Mr. Walker moved, seconded by Mr. Lee, to advertise for the two (2) vacancies on the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Lee, to appoint Thunder Lane to serve on the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

ADJOURNMENT

Mr. Nixon moved to adjourn at 3:40 p.m. Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker
Absent – Chase
Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: December 7, 2004

XX

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD
IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON WEDNESDAY,
NOVEMBER 3, 2004.

Board Members Present: *John F. Coates, Chairman*
 Steven L. Walker, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Steven E. Nixon
 Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 John C. Egertson, Planning Director
 Sam McLearen, Zoning Administrator
 Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m.

CITIZEN FORUM

Mr. Coates called for comments on any item that was not on the agenda.

Ms. Jean Keyser, Stevensburg District, expressed strong opposition to the proposed Town-County boundary adjustments that would affect her property. She stated that her family was third generation farmers, and the Town did not have a land use program.

Mr. Aaron Greso, West Fairfax District, thanked the Board for placing a referendum on the ballot for a meal tax and expressed his regret that it did not pass. He thought it was an excellent way to raise extra income to build a new high school, without increasing taxes.

Mr. Blaine Pardoe, Jefferson District, presented petitions with 721 signatures attached urging the Board to build a 1,500-student high school and renovate the current 1,500-student high school. He acknowledged that taxes would have to be raised to pay for new construction and renovations of the current high school, and the citizens, who signed the petitions, were willing to accept a tax increase because the health and safety of the County's children were involved.

Ms. Brenda Bayne, Salem District, expressed her support for the School Board's Option A, which called for the construction of a new 1,500 high school and the renovation of the existing high school. She pointed out that smaller schools provided a better education, with higher test scores, higher graduation rates, and more students attending college, as well as providing a safer and more personal environment. She said that she felt the meals tax would have passed if the citizens had been aware of the circumstances.

Mr. Dave Settle, Jefferson District, expressed his support for Option A for a new 1,500-student high school. He said he wanted a safe school environment for his three daughters, one in the high school and two in the middle school.

With no further comments, Mr. Coates closed the citizen forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Nixon moved, seconded by Mr. Lee, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

RE: THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN AMENDMENT TO CHAPTER 10B ENTITLED PARKS AND RECREATION OF THE COUNTY CODE

Mr. David Maddox, County Attorney, explained that Parks and Recreation Section 10B-34, dealt with guns, knives, bows and arrow, or fireworks, and the proposed amendment to that section would prohibit the discharge of firearms in certain parks and recreation areas. He noted that the issue arose when the General Assembly passed §15.2-915 in the *State Code*, which

severely limited the ability of any locality to regulate the carrying of firearms, even into a public building, except for limitations allowed for workplaces, such as jails, unless there was a specific exemption by statute. He also noted that *Virginia Code* §§15.2-1209 and 15-2.1210 allowed a county to prohibit the shooting of firearms or air-operated or gas-operated weapons in areas in which a county made a determination that an area was so heavily populated that such conduct became dangerous to the inhabitants. He said the proposed amendment would allow the Board to make that finding in conjunction with Spilman Park and Galbraith Marshall Field as designated parks under the County's Parks and Recreation Department. He added that other parks and recreational areas could be added at a later time when the Board was able to make such a determination.

Mr. Maddox pointed out that the Community Complex had not been included because no one was playing on those fields at the present time. The proposed amendment was limited to Spilman Park and Galbraith Marshall Field at this time.

Mr. Coates opened the public hearing and called for public comments.

Ms. Jean Keyser asked whether the proposed amendment would cover Mountain Run Lake Park and Yowell Meadow Park. She stated that the National Wildlife Association, Wild Turkey Federation and Wild Deer Federation held meetings at Mountain Run Lake and had archery competitions. Mr. Maddox replied that the amendment applied only to the two specific parks designated and not to any parks within the Town.

Ms. Keyser asked whether the Wild Turkey Federation would be allowed to hold meetings and archery competitions in the two parks covered. Mr. Maddox replied that would be subject to Department of Parks and Recreation rules and regulations, and perhaps a waiver could be obtained.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase asked whether air rifles would be covered. Mr. Maddox replied that they were included.

Mr. Lee moved, seconded by Mr. Nixon, to approve the amendment to Section 10-B of the County Code.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN AMENDMENT TO CHAPTER 12 TAXATION TO THE COUNTY CODE

Mr. Maddox explained that the General Assembly passed legislation that implemented a Constitutional amendment in 2002 that allowed localities to regulate tax-exempt status for real

and property taxes. He said the legislation allowed localities to adopt ordinances to implement procedures for tax-exempt status. He said that exemption by classification included civic and nonprofit organizations, such as the Boys and Girl Scouts, volunteer fire departments, and boys' and girls' clubs, and if an organization met the requirements it would automatically be exempt from taxation on real estate or personal property taxes. He stated that exemption by designation was more difficult because if an organization met the requirements of 501(c)(3) and was not listed in the statute, the Board would designate it as exempt from real estate and personal property taxes after going through the process listed in the proposed ordinance. He pointed out that the proposed ordinance would repeal the County's current ordinance and bring the County into compliance with State Code.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn asked whether the ordinance would only deal with future exemptions, or would it require properties with current exemption to reapply for tax-exempt status. Mr. Maddox replied that the properties that were currently exempt would need to reapply since the ordinance would take effect for the tax year 2005.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the amendment to Chapter 12, Taxation, of the County Code.

Mr. Coates expressed his hope that those organizations that were currently exempt would be notified by the office of the Commissioner of the Revenue in ample time to reapply.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. Z-401-04-1. Request by John W. and Dorothy S. Pullen to rezone 1 acre from CS (Commercial Services) to R-1 (Residential). The Culpeper County Comprehensive Plan designates this area as Residential. The property is located on Route 522 in the Salem Magisterial District. Tax Map/Parcel No. 17/25F.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this rezoning request to be consistent with the Comprehensive Plan. He said the Planning Commission was recommending to the Board of Supervisors that the rezoning request be granted.

Mr. John Egertson, Planning Director, displayed a tax map which highlighted the location of the property being considered, which was surrounded by residential zoning. He informed the

Board that the one-acre parcel was rezoned several years ago to Commercial Services to allow for a retail plant nursery, but the current owner had requested it be returned to residential use. He said that the request was in conformance with the Comprehensive Plan and the area character, and he recommended it be approved.

Mr. John Pullen, applicant, stated that he and his wife were the owners of the property in question. He said they purchased the property in May 2002 and had no intention of utilizing it for commercial purposes. He noted that he contacted the Zoning office at that time concerning rezoning the parcel back to residential, but after learning of the procedures and costs involved, they decided to put it on hold. He had the property resurveyed in 2003 and clearly identified a parcel known as Parcel 2 on Tax Map 17/25, and his daughter planned to build a home on the lot when she retired from the Air Force in August 2005. He said he realized that the setbacks for building a home on commercial land were more restrictive than those for residential, and taxes were higher for commercial than residential. He asked for the Board's favorable consideration for the reasons stated.

Mr. Coates opened the public hearing and called for public comments.

Mr. Aaron Greso, West Fairfax District, thanked the applicant for being honest regarding his intentions and expressed support for the request.

With no further comments, Mr. Coates closed the public hearing.

Mr. Walker moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. Z-338-04-3 – PROFFER AMENDMENT. Request by Petrie Ventures, LLC to amend existing proffers numbered 9 and 13 of original Case No. Z-338-96-1 to allow commercial development to be accessed via a proposed right-in/right-out access onto Route 15/29 Business as described in the Proffer Amendment and as shown on Exhibit C to the Amendment. The property is located on Routes 15/29 Business in the Stevensburg Magisterial District. Tax Map/Parcel No. 41/71D.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this amendment to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that the proffer amendment be accepted.

Mr. Egertson displayed Exhibit C highlighting the property being discussed and informed the Board that the property had been commercially zoned at the same time as Lowe's property

which was directly adjacent. He explained that the previous proffer amendment associated with the original proffers allowed the Lowe's store to add a right-in/right-out entrance, where the proffers previously only allowed the primary signalized intersection. This requested proffer amendment would allow a right-in/right-out on the other side of the shopping center, directly next door to the Southern States' operation. He noted that a site plan had recently been approved for a Chili's restaurant for this site, and additional retail was expected in the future. He stated that both VDOT and County staff had reviewed the request and concluded that an additional right-in/right-out turn at this location would help relieve some of the traffic burden on the signalized intersection. He also stated that the entrance had aligned with the eventual four-laning of Routes 15/29 Business, and the request was recommended for the Board's approval.

Mr. Nixon asked whether consideration had been given to a perimeter road around the parking lot to facilitate traffic in that area. Mr. Egertson replied that Montanus Parkway would encircle the development and have a four-lane intersection at this location, with a left turn into the Lowe's site and right turn into the shopping center.

Mr. Phillip Ross, applicant and President of Petrie Ventures, informed the Board that approximately four years ago he met with County officials to inform them he had control of the 20 acres zoned commercial and the 80 acres zoned residential in this area. He said since that time, he had been successful in bringing Lowe's to Culpeper, as well as the new subdivision currently under construction. He stated that he had also been successful in making arrangements with Chili's to open a restaurant in this location, and he had plans for another 80,000 square feet of retail space at the site of the requested right-in/right-out. He asked for the Board's support in approving the proffer amendment since it would be instrumental in relieving traffic movement at the intersection of Montanus Parkway and US 15-29.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the proffer amendment.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. Z-396-04-1. Request by Emiel K., Lynda W. Smet, owners, and Michael J. Watts D.V.M., Contract Owner, to rezone 1.9669 acres from R-1 (Residential) to VC (Village Center). The Culpeper County Comprehensive Plan designates this area as Residential. The property is located on Route 211 in the Jefferson Magisterial District. Tax Map/Parcel No. 2/25.

Mr. McLearn informed the Board that the Planning Commission had considered the

case and a public hearing were held. The Planning Commission found this rezoning request to be consistent with the Comprehensive Plan. He said the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved with the acceptance of the proffers.

Mr. Egertson displayed a tax map, which highlighted the location of the property being considered, as well as surrounding property, which was primarily zoned residential and commercial. He stated Dr. Watts was asking for the property to be rezoned so that the existing single-family dwelling could be used for his veterinary clinic. He noted that the property was not designated in the Village Center plan for commercial use, but as residential, and staff felt that the use proposed by Dr. Watts would be appropriate as a transition between the very heavy commercial use at the Q-Stop to the east and the surrounding residential uses to the west. He said that Dr. Watts and the Smets had proffered to limit the commercial uses of this property strictly to an animal hospital/clinic, doctor or dentist office, general or professional office, or it could be returned to residential use in the future. He recommended approval of the rezoning with acceptance of the proffers.

Dr. Michael Watts, applicant, stated that he had lived in Culpeper since graduating from veterinarian school and had been commuting to Northern Virginia. He was seeking approval to practice in this area of the County in order to serve his clients in Fauquier and Rappahannock Counties.

Mr. Coates opened the public hearing and called for public comments.

Mr. David Settle, Jefferson District, asked whether the restrictions would be in writing in order to guarantee the proffered uses.

With no further comments, Mr. Coates closed the public hearing.

Mr. Egertson replied to Mr. Settle's question by assuring him that both Dr. Watts and the Smets had executed a proffer statement that strictly limited the use to the areas mentioned earlier. He noted that the proffer had the effect of law under the *Code of Virginia*, and it would become part of the zoning of the property.

Mr. Coates questioned whether access would be addressed at the time of the site plan, and whether consideration would be given to "wrong-way" driving in the entrance design because of the close proximity to the crossover. Mr. Egertson assured him that an active site plan was under review by the Planning Commission and VDOT and those concerns would be addressed.

Mr. Rosenberger moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

SIX-YEAR SECONDARY ROAD PLAN. The Board of Supervisors will consider the 2005 Six Year Secondary Road Priority List and budget. A resolution approving the budget will be the focus. No new projects will be added to the list at this time.

Mr. Egertson stated that under current Board policy, no projects could be added to the proposed Six-Year Road Plan this year, but Board approval was required for the VDOT budget prepared by Mr. Donald Gore, VDOT Resident Engineer. He reminded the Board that the list could be reviewed and additions/changes made every other year, with public hearings held by both the Planning Commission and Board of Supervisors. He stated that in "off" years, the list was not reviewed by the Planning Commission, but the list and budget were brought before the Board because VDOT required a public hearing prior to adoption of the budget resolution.

Mr. Egertson explained that the Board maintained a list and added projects to the bottom of the list when it could, with projects moving up in order. At the present time, the Board's list has 23 projects listed in order of priority, and the budget and plan that had been presented by Mr. Gore contained the top 16 of those projects in the same order that the Board has prioritized them. He noted that the list contained projects that could be accomplished in six years, and projects 17 - 23 would come on to the bottom of the list as funding became available. He recommended that the Board adopt the six-year plan budget and resolution.

Mr. Coates asked when was the last time a secondary road had been added to the six-year plan. Mr. Egertson replied that projects could be considered every other year, but he estimated that no projects had been added in the last three years.

Mr. Coates expressed his concern about the number of calls made to him and other Board members regarding the condition of the County's roads. Mr. Egertson pointed out that his staff maintained an auxiliary list, which was used as a feeder list to the six-year plan, and that list was becoming longer and longer because insufficient funding had prevented VDOT from completing more than a couple of projects a year.

Mr. Coates opened the public hearing and called for public comments.

Mr. Robert Somerville, Cedar Mountain District, informed the Board that his farm bordered on Route 647 and expressed his concern that there were still 4.1 miles of unpaved road. He asked where Route 647 was on the list. Mr. Egertson informed him that a two-mile stretch of Route 647 was #21 on the Board's adopted list and explained since VDOT's current list contained 16 projects, it meant that it was beyond the scope of the next six years.

Mr. Somerville stated he was 80 years old, and he remembered that his grandfather had given the right-of-way to that portion of Route 647 adjoining his farm, and the road still had not

been paved. He said he wanted the Board to know that he was still interested in having the road paved. He suggested that consideration might be given to a “quick fix” paving plan under the Rural Rustic Road program in order to contain the dust and mud.

Ms. Cherry Meekley, Salem District, stated that the A. G. Richardson School had expressed concerns to VDOT regarding the need for an emergency access. She asked how that would fit into the six-year road plan. Mr. Egertson replied that the emergency access road was not a project that would be on the secondary road improvements plan. The emergency access would be a new road, which would be funded through other methods, such as revenue sharing.

Mr. Coates noted that there were discussions taking place at the present time with the adjacent property owners to determine a way to obtain access to the A. G. Richardson and Pearl Sample Schools. He said it was the previous Board that acted to ensure the safety of teachers, students, and others by obtaining access to the back of the Middle School and High School when Ira Hoffman Road was opened.

Mr. Aaron Greso, West Fairfax District, asked how much paving would cost for one mile of secondary road. Mr. Coates informed him he would have an answer when the public hearing was closed.

Mr. Gore stated he would be sending recommendations to the School Board in the near future regarding emergency access to A. G. Richardson School. He said he was also looking at building a temporary emergency entrance with limited access from Route 29 into A. G. Richardson School. He added that the entrance would be gated and locked, and would be used only during emergencies, but approval would have to be obtained from Richmond before proceeding.

Mr. Coates stated that traffic congestion on Route 15 was also a real concern. Mr. Gore said he would be making a recommendation to the School Board, which might help alleviate that problem.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates asked Mr. Gore to provide an estimate on the cost on one mile of secondary road, assuming the road would be 20 feet wide. Mr. Gore stated it was difficult to determine cost because it would be based on the nature of the road, but he would estimate construction cost between \$300,000 and \$600,000 per mile, with utilities and other costs added.

Mr. Nixon moved, seconded by Mrs. Hansohn, to accept the recommendation of the Planning Commission to approve the funding resolution.

Mr. Coates stated that he received a considerable number of calls regarding secondary roads, and he felt the issue should be included in the County’s legislative package for the

upcoming year. He said he understood VDOT's position relative to sufficient funding.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 7:55 p.m.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: December 7, 2004